

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In Re: SOUTHERN MARINE
TOWING & SALVAGE, INC.
d/b/a TOW BOAT U.S.
NAPLES/MARCO ISLAND,

Case No. 2:21-cv-137-NPM
IN ADMIRALTY

Plaintiff.

ORDER

Before the Court is a Motion for Entry of Final Judgment of Exoneration of Liability in Regards to Defaulted Claimants (Doc. 30). Plaintiff Southern Marine Towing & Salvage, Inc. seeks a final default judgment against all claimants who have not asserted a claim in this action. (Doc. 30, pp. 1-2). This action involves an incident that occurred on December 7, 2020. (Doc. 1, ¶ 11). On that evening, claimants Paul van Gils and Claudia van Gils were onboard their sailboat in rough weather conditions, and they contacted Southern Marine requesting towage services. (Doc. 1, ¶¶ 11, 13). During the towage, the sailboat overtook the towboat, which resulted in both vessels capsizing and resulted in damage and injury. (Doc. 1, ¶ 15).

On February 19, 2021, Southern Marine initiated this exoneration from or limitation of liability action. (Doc. 1). The Court directed issuance of a limitation injunction and notice to claimants on February 25, 2021, directing all claims and answers to the complaint be filed and served on or before April 22, 2021. (Doc. 8,

p. 3). In compliance with Supplement Admiralty Rule F(4) and the February 25, 2021 Order, notice was published once a week for four consecutive weeks in The NewsPress, a daily newspaper published in Fort Myers, Lee County, Florida on March 2, 2021, March 9, 2021, March 16, 2021, and March 23, 2021. (Doc. 20-1). The Notice stated that the failure to timely file a claim by April 22, 2021, will result in the claim being defaulted. (Doc. 20-1). No claimant other than Paul van Gils and Claudia van Gils filed claims in this action by the April 22, 2021 deadline.

Southern Marine sought a clerk's default against all parties having an interest in this matter, except for claimants Paul van Gils and Claudia van Gils who filed an Answer and [Counterclaim] Complaint and Claim (Docs. 10, 11). The Court granted Southern Marine's request and directed the Clerk to enter a default "against all claimants except Paul van Gils and Claudia van Gils," to which the Clerk entered a default on the same day. (Doc. 24, p. 2; Doc. 25).

Based on Southern Marine's compliance with the Supplemental Admiralty Rules, the Order (Doc. 8), and the Admiralty and Maritime Practice Manual, a default judgment against all claimants except Paul van Gils and Claudia van Gils is appropriate.

Accordingly, the Motion for Entry of Final Judgment of Exoneration of Liability in Regards to Defaulted Claimants (Doc. 30) is **GRANTED** and the Clerk of Court is directed to enter a default judgment in favor of Southern Marine Towing

& Salvage, Inc. and against all claimants who have not timely filed claims or answers in response to the complaint, with the exception of Paul van Gils and Claudia van Gils.

ORDERED in Fort Myers, Florida on July 23, 2021.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE